

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

FRANK FIGUEROA,

Petitioner,

VS.

RICK THALER,

Respondent.

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CIVIL ACTION NO. C-10-374

**ORDER ADOPTING AMENDED MEMORANDUM AND
RECOMMENDATION TO DENY RULE 59(e) MOTION**


On July 6, 2011, United States Magistrate Judge B. Janice Ellington signed a Memorandum and Recommendation recommending that petitioner's motion to alter or amend the judgment (D.E. 37) be denied; and, that petitioner be denied a certificate of appealability. On July 27, 2011, petitioner filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that petitioner's motion to alter or amend the judgment is denied. Petitioner is denied a certificate of appealability.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 5th day of August, 2011.



Janis Graham Jack
Senior United States District Judge